

ORIGINAL

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FILED
SCRANTON

JUN 28 2000

6/29/01
CJ

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PER RMP.
DEPUTY CLERK

DAVID GALLOWAY,
Plaintiff

vs.

PENNSYLVANIA BOARD OF
PROBATION AND PAROLE,
Defendants

CIVIL ACTION 1:00-CV-00649

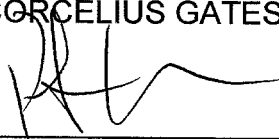
Assigned to
✓ Magistrate Judge J. Andrew Smyser
and Judge Sylvia H. Rambo

MOTION TO DISMISS

AND NOW, comes Defendant Robert B. Stewart, III, Esquire, by and through counsel, and hereby requests this Court to dismiss the Plaintiff's Complaint pursuant to Rule 12(b) of the Federal Rules of Civil Procedure. A brief in support of this Motion will be filed within time period permitted by the local rules.

Respectfully submitted,

HENRY CORCELIUS GATES GILL & ODY



Peter M. McManamon
Supreme Court ID No. 43235
200 Penn Street
Huntingdon, PA 16652
814/643-2460
Attorney for Defendant Robert B. Stewart

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GAIL GALLOWAY,
Plaintiff

vs.

PENNSYLVANIA BOARD OF
PROBATION AND PAROLE,
Defendants

: CIVIL ACTION 1:00-CV-00649
:
:
: Assigned to:
: Magistrate Judge J. Andrew Smyser
: and Judge Sylvia H. Rambo
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:
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CERTIFICATE OF NON-CONCURRENCE

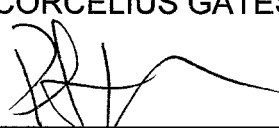
I, Peter M. McManamon, hereby certify that I contacted counsel for the other defendants in this matter as follows:

Anne K. Fiorenza, counsel for William W. Caldwell, concurs in this motion.

Francis Filipi, counsel for the remaining defendants, with the exception of Charles Giornesto, concurs in this motion.

I attempted to contact Gail Galloway and Charles Giornesto, but was unable to do so. Both are unrepresented by counsel.

HENRY CORCELIUS GATES GILL & ODY



Peter M. McManamon
Attorney for Defendant Robert B. Stewart